



# Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY  
DOCKET NO. 07-0005

IN THE MATTER  
OF  
MATTHEW STRAIGHT

**DISPOSITION AGREEMENT**

The State Ethics Commission and Matthew Straight enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On May 11, 2006, the Commission initiated a preliminary inquiry, pursuant to G.L. c. 268B, § 4(a), into possible violations of the conflict-of-interest law, G.L. c. 268A, by Straight. The Commission has concluded its inquiry and, on September 13, 2006, found reasonable cause to believe that Straight violated G.L. c. 268A.

The Commission and Straight now agree to the following findings of fact and conclusions of law.

Findings of Fact

1. Straight served as a Fitchburg city councilor from 2000 until January 2006, representing Ward 4.
2. Straight worked for and owned 2% of Johnsonia Associates, a limited partnership created to own and manage a 52-unit apartment building, the Johnsonia, on Main Street in Fitchburg. Straight's father owned a majority share of the partnership, and a third person owned the remaining share.
3. Straight was in charge of managing the Johnsonia building and its tenants.
4. In January 2002, Straight telephoned the State Ethics Commission's Legal Division, asking for advice on whether he could participate as a city councilor in a matter involving his and his father's real estate business. Straight was advised to write in for advice, but Straight never did so.
5. In October 2002, Straight received oral advice from the Legal Division on whether he could participate as a city councilor in a discussion regarding whether to keep Main Street, where the Johnsonia was located, as a one-way street. Straight was advised that he could not participate under the conflict-of-interest law if the matter would affect his or his father's financial interests.
6. Beginning in 2004 and through 2005, the Straights began the process to convert the Johnsonia rental units into condominiums.

7. Nearby the Johnsonia were two bars: the Third Base Bar & Grill, and the House of Brews.

8. The Johnsonia and its neighboring bars were within Ward 4.

9. In December 2004, a fight broke out in front of the Third Base Bar after closing time. A number of Fitchburg police officers and state troopers were involved, and four men were arrested. Subsequently, the Fitchburg police chief submitted a request to the Fitchburg License Commission to suspend the bar's liquor license.

10. On January 19, 2005, the Fitchburg License Commission held a hearing on the incident. Straight did not appear at the hearing, but he wrote a letter to the License Commission as the Ward 4 city councilor, using city council letterhead. Straight's letter, which was read into the record at the hearing, raised concerns that the Third Base Bar's operation presented public safety issues and was a deterrent to further real estate development in the area. The letter also stated, "As a City Councilor who represents the Downtown Area, I have received a considerable amount of complaints from residents who live on or near Main St. regarding the noise" from Third Base and the other area bars. Based on these concerns, the letter advocated that the bar's closing hours be changed from 2 A.M. to 12 P.M. and that the bar be warned that "if there is another incident that their license will be in jeopardy."

11. At the end of the hearing, the License Commission voted 2-1 to maintain the Third Base Bar's operating hours and send it a strong letter of warning.

12. On March 7, 2005, Straight spoke as the Ward 4 city councilor at a License Commission hearing regarding the House of Brews, at which someone had been recently arrested. Straight noted that the disturbances at that bar were tied in with its poor management, and he was very concerned with the environment at the bar and the reports of intoxicated staff.

13. As the manager of the Johnsonia and a part-owner of the building, Straight had a private financial interest in keeping the neighborhood safe and free from crime.

#### Conclusions of Law

14. As a Fitchburg city councilor, Straight was a municipal employee as that term is defined in G.L. c. 268A, § 1(g), and therefore subject to the conflict-of-interest law.

15. Section 19 prohibits a municipal employee from participating as such an employee in a particular matter in which, to his knowledge, he, his immediate family or a business organization in which he serves as a partner or employee has a financial interest.

16. Straight's father was a member of his immediate family.

17. Straight was employed by and owned a share in the Johnsonia Associates limited partnership, the business organization that owned and managed the Johnsonia building.

18. The License Commission's decisions regarding the Third Base Bar and the House of Brews were particular matters.

19. Straight participated in those particular matters as a city councilor by sending his January 2005 letter to the License Commission regarding the Third Base Bar matter, and by speaking before the License Commission on March 7, 2005 regarding the House of Brews matter.

20. When he so participated, Straight knew that he, his father and/or the Johnsonia Associates limited partnership had financial interests in the particular matters because these decisions concerning the neighboring bars would affect the plan to redevelop the Johnsonia as a condominium building.

21. Accordingly, Straight violated § 19 by participating as a city councilor in particular matters in which he, his immediate family and/or a business organization in which he served as a partner and/or employee, to his knowledge, had financial interests.

### ***Resolution***

In view of the foregoing violations of G.L. c. 268A by Straight, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Straight:

- (1) that Straight pay to the Commission the sum of \$2,000 as a civil penalty for violating G.L. c. 268A; and
- (2) that Straight waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

**DATE:** February 1, 2007